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REPORT FROM THE ROUNDTABLE ON SMALL ARMS AND THE OAS

April 28, 2000
Ottawa

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On April 28, 2000, the Canadian Centre for Foreign Policy Development, in partnership with the Non-proliferation, Arms Control and Disarmament Division and the Inter-American Division of the Department of Foreign Affairs and International Trade, organised a roundtable on small arms in the Hemisphere. The roundtable brought together experts, academics, NGOs and government officials to share views, ideas and recommendations on various small arms initiatives. Participants included, among others, Wendy Cukier (Ryerson University), Peggy Mason (Council for Peace and Security), Juan Ronderas (York University), Renata Wielgosz (Canadian Permanent Mission to the OAS) and Mark Gaillard (Non-proliferation, Arms Control and Disarmament Division, DFAIT). Yvon Dandurand (International Centre for Criminal Law and Justice Reform), Edward Laurence and William Godnick (Monterey Institute) joined the roundtable by phone.

1. Framing the Discussion

Steve Lee, Chair, opened the discussion by welcoming everybody and outlining the goal of the roundtable. He said that small arms is an important part of the human security agenda in the Hemisphere and a critical area for policy attention. Canada could have an opportunity for leadership on small arms issues/initiatives at the OAS General Assembly in Windsor (June 4-6, 2000) and the Quebec City Summit (Summer 2001). He encouraged the participants to contribute to the development of Canada's overall policy on small arms in the Hemisphere and practical initiatives at the OAS.

Yvon Dandurand said that there has been a limited success with reigning in proliferation of small arms in the Hemisphere. He pointed out that the proliferation of small arms is not only a security issue, but impacts human security, stability and democratic development. The surplus of small arms and aggressive marketing strategies contribute significantly to proliferation. He also drew attention to the arbitrary distinction between illicit and licit trade in small arms. While about 60% of the small arms market is controlled by the OAS member states, attention is almost exclusively paid to illicit trade. Moreover, many small arms traded legally between states end up illegally in the hands of mis-users.

The focus on illegal transfers of small arms and other weapons is reflected in recent initiatives at the OAS to develop the *Convention Against the Illicit Manufacturing and Trafficking of Firearms, Ammunition, Explosives and Other Related Materials* (1997) and a *Model Regulation for the Control of International Movement of Firearms, their Parts and Components and their Ammunition.* (A draft *Regional Agreement for Mutual Legal Assistance With Respect to Illegal Trafficking in Weapons* (1996) has also been elaborated by the Central American Security Commission.) He pointed out that the *Model Regulation* (adopted in Peru in November 1997) is a set of guidelines to govern the import, export and in-transit movement of all commercially traded firearms. The guidelines do not apply to government-to-government transfers of military small arms. The *Convention* contains measures to encourage and facilitate enhanced cooperation among OAS countries in dealing with illicit transnational trafficking associated with firearms, their parts and components, ammunition and explosives.

The assumed distinction between the "licit" and the "illicit" poses challenges for developing an effective small arms non-proliferation regime, Yvon Dandurand said. The member states' rhetorical commitment to developing such a regime is yet to be matched by practical action. In this context, the effectiveness of adopting yet another Convention at the OAS is questionable.

Synergy should be promoted between various international efforts, including United Nations initiatives, and regionally-based initiatives. A base upon which future work and enhanced international cooperation can be build exists. However, unless existing initiatives are implemented, they have the potential to create a false sense of security. "Formal agreements are, in themselves, incapable of curbing the negative effects of the proliferation of firearms in the Hemisphere. They must lead to concrete, concerted actions by jurisdictions." Therefore, efforts should be directed to trying to implement already existing instruments rather than adopting new Conventions. In conclusion he reminded participants that progress at the international level depends on the progress achieved domestically.

Edward Lawrence outlined the initiative of the Monterey Institute in exploring ways to bring civil society input to bear on the activities of the OAS General Assembly (June 4-6, 2000). He said that this initiative grew out of Minister Axworthy's visit to the Monterey Institute (March 7, 2000) during which the Minister was briefed on the efforts by the International Action Network on Small Arms (IANSA) to bring civil society into the Prep Coms and actual UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Summer 2001).

He described the small arms situation in Latin America as follows:

- Key factors contributing to the excessive accumulation and transfer of small arms and light weapons in the Hemisphere are: 1) supply of weapons at the close of civil conflicts, 2) the conflict in Columbia, 3) international trade in narcotics. He drew attention to a particularly harmful impact of hand grenades.

- The signing of the *Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* is evidence of a hemispheric consensus that illicit small arms activity needed to be addressed. However, member state legislatures have been slow to implement the OAS treaty. Some of the reasons for slow ratification include domestic political opposition, the necessity to amend national constitutions and the lack of capacity to implement and adhere to the treaty.

- Even when the OAS Treaty is fully operational, its focus on illicit trafficking will miss important aspects of the small arms problem in the Hemisphere: 1) the impact of national stockpiles on (the internal) black market, 2) use of hand grenades, 3) world supply (other than from OAS member states), 4) illegal distribution and misuse of legally purchased weapons, 5) (legal and semi-legal) arming of private security companies, 6) the culture of pistol and hunting rifle ownership, 7) uneven levels of indigenous arms production (i.e., some countries have indigenous arms production and others do not).

Since all of the small arms problems in the Hemisphere involve civil society, ways should be found to engage and involve the public with the OAS member state governments. A good start could be a forum to coincide with the OAS General Assembly and continue beyond. The creation of such a forum can be justified based on the language contained in the OAS General Assembly resolutions on small arms non-proliferation and civil society involvement. *Civil society must be brought into the process since, in many cases, the government has no capacity to locate the weapons and control effectively their movement. Civil society can illustrate the damage small arms proliferation causes in the Hemisphere and lay bare the challenges it poses for human security, public health and so on. Moreover, it can persuade the governments to act by demonstrating successful community-based initiatives* (i.e., the work of a Brazilian group Viva Rio). In conclusion, Edward Lawrence stressed the importance and merit of building cross-sectoral networks.

Renata Wielgosz drew attention to the relatively fast ratification of the Landmines Convention and the dynamism of the OAS in the 1990's. Since Canada joined the OAS in January 1990 it contributed to the establishment of the Unit for the Promotion of Democracy and the Permanent Committee on Hemispheric Security. Both bodies have been very successful.

While adopting another Convention might not be the best option right now, a *Declaration on the Responsible Transfers of Small Arms and Light Weapons* may be the first practical step to address the externalities of legal inter-governmental transfers. Such a Declaration could be used to introduce the issue as a mandate to move on at the OAS in the near future. The aim of the Declaration would be to better regulate and restrain government-to-government transfers and to prevent irresponsible transfers (i.e., government-to-offender). The Declaration could be a stepping stone for developing other international initiatives.

2. Synopsis of the Discussion

Context

There are strong links between domestic and international small arms regimes. The absence of effective arms control in Canada and especially the United States has a significant impact on the supply of weapons in the Hemisphere. *The 1997 Convention could be amended to include domestic weapons control.* This may be difficult to achieve in the OAS context since many Latin American governments still perceive national sovereignty as divisible from human security and would consider such an amendment as infringing upon their state sovereignty. Moreover, the OAS does not legislate, rather, it develops models.

Many countries do not have the institutional capacity to ratify and implement Conventions. *There is a need for capacity-building measures to address this gap between formal multilateral law/regulation making and domestic capacity to ratify/implement treaties.* Attention should be paid to ratifying and implementing existing treaties rather than adopting new ones. Other departments besides DFAIT, especially CIDA, should support/develop capacity building programmes. The small arms issues require a coherent (human security) approach and better inter-departmental coordination. DND, RCMP, IDRC and other departments should also be engaged and their resources harnessed.

More attention should be paid to security sector reform in the Hemisphere. While CIDA has good institutional assistance programmes, they exclude the security sector. There is a need to put security issues into the good governance framework and include the security sector in CIDA's programming. Here the cooperation of DND is required. However, caution was raised about the role and nature of the military in Latin America before embarking on ambitious security sector reforms. Others pointed to the difficulty of involving DND in Hemispheric multilateral efforts (i.e., the Canadian Minister of Defence never attended the Defence Ministers' of the Americas meeting) and to the lack of the Defence Department's commitment to public consultation and input.

In some Latin American countries there is a disconnect between the rule of law and reality/culture. *Ratification and implementation of Conventions do not necessarily mean their respect and enforcement. The wide-spread culture of violence and disrespect for the rule of law must change for laws and regulations to be legitimate and effective.* Spaces for civil society engagement should be opened. Education, not only about small arms, but also poverty and youth violence is needed to initiate real change. Attention should be paid to the differences among countries across the region and generalisations avoided. The cultural aspect of the small arms problem is another reason for the engagement of CIDA (i.e., to develop capacity-building initiatives).

The large security impact of what may seem a small amount of weapons on island countries should be considered.

The issue of small arms proliferation should be dealt with in the context of human security (i.e., the pervasive human insecurity, distrust of the justice system, etc.). The involvement of civil society on small arm issues is imperative.

Attention should be paid to the demand side of the small arms market as opposed to the current emphasis on the supply.

Obstacles to Canadian initiatives at the OAS should be also considered, they include:

- The traditional security language/culture, which automatically categorises proliferation as a nuclear weapons issue, still exists.
- The OAS environment continues to be state-centric. The traditional notion of sovereignty held by some Latin American governments poses challenges for Canada's human security objectives.
- Some Latin American governments perceive the involvement of civil society in the political process as problematic. Moreover, civil society and NGOs mean different things in different countries. In Colombia, for instance, the perception of civil society is not particularly positive.

Canadian Initiatives

Canadian and other NGOs were encouraged to mount an awareness raising campaign along the lines of the campaign to ban landmines. Civil society has not mustered as much momentum on small arms as it did on landmines. There is a need to signal that Canadian civil society is interested in the small arms issues and supports Canadian initiatives.

The NGOs present deliberated their strategy for the OAS General Assembly in Windsor and beyond. Due to the lack of time to organise and shift focus from implementation of existing instruments to ratification of a new declaration, the NGOs (mostly Canadian) decided to use the Windsor General Assembly as an awareness raising opportunity for public education and some messaging to international Ministers and journalists (through "tent" displays, roundtable). Nevertheless, government officials assured the NGO community that the process of adopting a new instrument on the transfer of small arms and light weapons is only beginning. The proposed Declaration for the Windsor General Assembly is the first step of a longer process. After the issue will have been posted at the General Assembly, the OAS governments will elaborate on the Canadian proposal. Canadian NGOs were encouraged to contribute ideas as the new instrument develops.

Other Canadian initiatives could include a bilateral assistance programme to provide legal, technical, security sector and media/journalism advice/expertise and help with de-mining and disarmament.

There is a need for more information sharing and fact based research on:
- the extent of the small arms problem,
- its impact on GDP and other economic and social factors (to spur action),
- the path of the weapons,
- possible solutions.

Enhanced cooperation is required among diverse groups including a range of government departments, NGOs, academics and others. A coherent multi-disciplinary approach and pooling of resources is needed.

In conclusion, the Chair said that there is a good opportunity to push for small arms issues within the human security context at the OAS General Assembly and the Quebec City Summit. He summarised the discussion, drawing attention to the need to focus on do-able practical initiatives, the involvement of civil society in demonstrating the negative impacts of small arms proliferation as well as successful creative solutions, the need for fact-based research, the need to strengthen national non-proliferation regimes, the need to look at the situation of small states and the culture of violence. He also reiterated that countries often require assistance with ratification and implementation of treaties and the challenges ahead for the Canadian government and NGOs for enhanced cooperation.

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AGENDA

SMALL ARMS AND THE OAS ROUNDTABLE

Ottawa, April 28, 2000
10:30am to 4:45pm
Westin Hotel
11Colonel By Drive
New Brunswick Room (4th Floor)

	Coffee and Donuts
10:30 - 10:45	Welcome, Steve Lee (Chair) Roundtable Introductions
10:45 - 11:00	Opening Comments : Small Arms Overview (Yvon Dandurand)
11:00 - 11:15	Small Arms and the Hemisphere (Edward Laurance and William Godnick)
11:15 - 11:20	The OAS (Renata Wielgosz)
11:20 - 12:30	Discussion
12:30 - 13:15	Informal Lunch (on site)
13:15 - 14:30	Discussion
14:30 - 14:45	Coffee break
14:45 - 16:00	Discussion
16:00 - 16:30	Recommendations and Closing Remarks

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List of Participants

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10:30am to 4:45pm
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New Brunswick Room (4th Floor)

Douglas Dalziel
Head of Cross Directorate, Policing Strategy Section
Policing, Organized Crime Unit
Home Office, UK

Edward Laurance (by phone)
Monterey Institute

William Godnick (by phone)
Monterey Institute

Renata Wielgosz
Deputy Head of Mission
Canadian permanent mission to the OAS

Mark Gaillard
Non-proliferation, Arms Control and Disarmament
Division - DFAIT

Jean Paul Ruszkowski
Policy Advisor, Office of the Secretary of State
(Latin America and Africa)

John Clarke
Policy Advisor, Office of the Minister of Foreign
Affairs

Steve Lee - Chair
Executive Director, CCFPD

Marketa Geisler
Rapporteur, CCFPD

Ken Epps
Project Ploughshares

Juan Ronderas
Nathanson Centre for the Study of Organised Crime
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Wendy Cukier
Ryerson University

Martin Roy
FOCAL

Jennifer Loten
Peacebuilding and Human Security Division -
DFAIT

Maureen Gaudet
Justice Department

Yvon Dandurand (by phone)
International Centre for Criminal Law and Justice
Reform

Peggy Mason
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